

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3614 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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RAMESHBHAI PITHABHAI

Versus

STATE OF GUJARAT

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Appearance:

MR PN BAVISHI for Petitioner

Mr. N.D. Gohil, A.P.P. for the respondent-State.

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 28/06/1999

ORAL JUDGEMENT

Rule. Learned A.P.P Mr. N.D. Gohil, waives  
service of rule.

The petitioner has prayed for modification of  
conditions nos. 2 (d) and (e) imposed on the petitioner  
vide order dated 15th March, 1999 passed by this Court in

the proceedings of Misc.Criminal Application no.1290/99. According to condition no.2(d), the petitioner is required to get his presence marked at Veeraval City Police Station on every Sunday between 9.00 a.m. and 2.00 p.m. and according to condition no.2(e) the petitioner is directed not to leave the local limits of District Junagadh without the prior permission of the Sessions Judge at Junagadh.

Learned Advocate for the petitioner Mr. P.N. Bavishi has submitted that as the charge-sheet has not been submitted the petitioner is attending Veeraval Court and there his presence is marked. Thus he has to attend police station in compliance of the condition and also the Court on a given date which causes hardship to him. Furthermore, the petitioner being in service he is posted as Talati-cum-Mantri at Veeraval and thereby in order to attend his duties he has to go outside District Junagadh. Under the circumstance compliance of condition no.2(e) also causes hardship.

Ld. A.P.P. Mr. Gohil has fairly stated at the Bar that appropriate modification may be permitted and the petitioner may be directed to get his presence marked twice in a month and may be permitted to leave District Junagadh in order to attend his duties.

On the basis of the above stated discussion conditions no.2(d) of the order dated 15th March, 1999 passed in the proceedings of Criminal Misc. Application no.1290/99 stands modified to the effect that the petitioner shall get his presence marked before Veeraval City Police Station on the 1st and the 3rd Sunday of each month between 9.00 a.m. and 2.00 p.m. instead of the original condition while condition no.2(e) thereof shall stand modified to the effect that the petitioner shall not leave the local limits of District Junagadh except for the purpose of attending his duties as Talati-cum-Mantri without the prior permission of the Sessions Judge at Junagadh instead of the original condition. The rest of the conditions in the said order shall hold good.

With these modifications, rule is made absolute. Direct service is permitted.

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